

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Albert MEADE,
Plaintiff

v.s.

- 1) Theresea DELBASO,
Superintendent, SCI MAHANAY,
PA.D.O.C.,
- 2) Chaplain [D. _____], BOYLES,
FCPD, SCI MAHANAY, PA.D.O.C.,
- 3) MS. [Janine] MacKNIGHT, CCPM,
SCI MAHANAY, PA.D.O.C.,
- 4) MS. [JANE _____] HINMAN, GRIEVANCE
COORDINATOR, SCI MAHANAY,
PA.D.O.C.,

Civil Rights-Equity
§§1981-1986; RLUIPA
Emergency Preliminary
Injunction

Misc. No. ~~3:17-cv-0006~~
No. _____

**FILED
SCRANTON**

MAR 30 2018

APPLICATION FOR EMERGENCY PRELIMINARY
INJUNCTION TO PRESERVE STATUS QUO
FIRST AMENDMENT RIGHTS

Per g
DEPUTY CLERK

JURISDICTION I.:

1) jurisdiction of this Court is invoked pursuant to the provisions of 28 U.S.C. §§ 1331 and 1343, this being a suit in equity authorized by law, 42 U.S.C. §§ 1981-1986, to be brought to redress the deprivation under color of state statute, ordinance, regulation, custom, or usage of rights, privileges and immunities secured by the Constitution and laws of the United States or by any act of Congress providing for the equal rights of citizens. These rights here are sought to be protected are rights secured by the First Amendment and the Fourteenth Amendment of the Constitution for the United States, 42 U.S.C. § 1981-1986 and RLUIPA (Religious Land Use and Institutionalized Persons Act).

Jurisdiction is further established pursuant to the First and Fourteenth Amendments to the Constitution for the United States and Declaratory Relief can be granted under 28 U.S.C. §§ 1651 (the All Writs Act), 2201 and 2202 (relief and further relief).

VENUE II.:

2) Venue for this action is in the United States Middle District Court for the Third Circuit of Pennsylvania; as defendant(s) have committed the acts complained of here at in SCI MAHANAY, Frackville, Pennsylvania, located in the Middle District of Pennsylvania. The Defendants are not acting under the authority or direction of the Pennsylvania Department of Corrections to the best of plaintiffs knowledge, but jointly and severally with willful intent to deprive plaintiff and others similarly situated of their Constitutionally secured and guaranteed rights.

PARTIES III.:

3) Albert MEADE, plaintiff, is a prisoner in the custody of the State of Pennsylvania, being involuntarily housed in SCI MAHANOY, a satellite facility of the Pennsylvania Department of Corrections.

4) Plaintiff Albert MEADE is an adult citizen of the United States and a resident of the State of Pennsylvania, whose present mailing location is: 301 Morea Rd., Frackville, Pa. 17932.

5) Defendant/Respondent Theresea DelBALSO is an adult citizen of the United States and a resident of the State of Pennsylvania whose primary mailing address is: SCI MAHANOY, PA.D.O.C., 301 Morea Rd., Frackville, Pa. 17932; DBA MS. DELBALSO, is the facility manager/superintendent and is responsible for the care, custody and control of those under her jurisdiction and also responsible for the instruction, supervision, and training of those under her supervision.

6) Defendant/Respondent Chaplain BOYLES is an adult citizen of the United States and a resident of the State of Pennsylvania whose primary mailing address is: SCI MAHANOY, PA.D.O.C., 301 Morea Rd., Frackville, Pa. 17932; DBA Chaplain BOYLES, is the FCPD (FACILITY CHAPLAINCY PROGRAM DIRECTOR) and is responsible for the religious program and services scheduling and accommodation of those detained and under the jurisdiction of SCI MAHANOY, PA.D.O.C., and also required to fulfill the directive set forth by the Central Office of the Pennsylvania Department of Corrections, by memo, directive, and action plan policy as well as in accord with both state and federal laws and constitutions.

7) Defendant/Respondent MS. [Janine] MacKNIGHT, is an adult citizen of the United States and a resident of the State of Pennsylvania whose primary mailing address is: SCI MAHANOY, PA.D.O.C., 301 Morea Rd., Frackville, Pa. 17932; DBA MS. [Janine] MacKNIGHT, is the CCPM (Corrections Counseling Program Manager) and is responsible for the care, custody and control of those under her jurisdiction and also responsible for the instruction, supervision, and training and oversight of those under her supervision.

8) Defendant/Respondent MS. [JANE] HINMAN is an adult citizen of the United States and a resident of the State of Pennsylvania whose primary mailing address is: SCI MAHANOY, PA.D.O.C., 301 Morea Rd., Frackville, Pa. 17932; DBA MS. [JANE] HINMAN, is the GRIEVANCE COORDINATOR and is responsible for the SCI MAHANOY, which entails to receipt, filing, processing, and resolution as well as monitoring of inmate grievances filed to her office. She also appoints and directs investigators to investigate and makes findings of fact based on procedural rules established under department of corrections regulation pursuant to state and federal law.

PROCEEDINGS IV.:

9) This is a proceeding for an Emergency Preliminary Preventative Injunction to Preserve the Status Quo, enjoining defendants, both jointly and severally from obstructing, denying and refusing to allow or permit, the mandatory religious observance of the men of the Jewish faith at SCI MAHANOY and involuntarily confined within the State of Pennsylvania. The Defendants are compelling, and threatening to further compel and deprive the plaintiff and others similarly situated of his/their inalienable rights, to wit, not to be deprived of proper observance of Passover nor be compelled to defile themselves under the commandments as enumerated in the TORAH and as set out in the Jewish faith, now, and throughout the period of time known as Passover (Pesach).

1. Note: Passover begins on March 30, 2018 after sundown through and including April 1, 2018 until sundown, the first day (even) seder is the ritual (3/30/18) and the Holy Day meal, the second day is the "work seder".

STATEMENT OF FACTS VI.:

10) On or about March 24th 2018 plaintiff was advised that the celebration of passover was to be delayed until April 4th, 2018 due to staffing issues and the institutional staff and religious department not allowing those of the Jewish faith to celebrate their 2 seders.

11) One of the 2 seders is a celebratory meal with rituals before, during, and after the meals which are germane and necessary to fulfill the religious prescribed [mandate] rather Command of the TORAH which was given by G-D, blessed is His name, to the Jewish people on Mt. Sinai over three thousand years ago.

12) The Department will only allow one hour to fulfill this obligation which is not sufficient to fulfill the ritual mandated readings, and acts, which must be performed during the course of over 2 hours. The Seder must be held after sundown on the first night, and the second Seder is required to be held on the second evening. The second seder is affectionately called a mock seder as it only contains Grape Juice, Matzah (unleavened bread kosher for passover), Horse Radish, Charoset (apple, nuts, and grape juice spread) and piece of bone, bitter herbs, and a roasted egg.

13) The second seder, mock seder, only last approximately 1 1/2 hours.

14) Further, it was made known that the dietary department for the Department of Corrections will not provide certified Kosher for Passover meals for the eight days of Passover sufficient to sustain one in good health, nor is the alternative that the department offers a truly certified Kosher for passover meal. This constitutes 24 back to back meals which the prisoner must be deprived of in order to comply with the biblical TORAH command at the hands of the Pa.D.O.C., SCI MAHANOY staff due to alleged budget constraints.

15) This plaintiff has provided the Department with an alternative to this Budget Constraint Dilemma, that is plaintiff has advised the department FCPD and CCPM that one of their own religious contractors for the Jewish Services, ALEPH INSTITUTE, located in Surfside, Florida, will provide daily meals to those identified as Jewish for the entire period of Passover. The Department originally agreed, then now declines at the last minute making it impossible for the Jewish men who relied on their original acceptance and agreement to allow these meals, to purchase other items in order to fulfill the obligatory dietary practice during the eight days. (See attached exhibits at A, B, & C.)

16) The actions of the staff are illogical, they on one hand are permitting the same meals to be purchased by the Jewish men for their seder meal and be consumed by them at a seder on the 4th of March, yet are refusing to permit the Jewish men to fulfill the rest of the eight day obligation to eat certified kosher for passover meals. These same meals can be purchased² on the Secure Pack or via IBO organization special orders 4 times a year for the general population, but not for the required religious purposes.

17) Policy and memo from Central Office require the various SCI's to hold the Passover Seders on the first 2 nights of Passover. It also requires them to provide Matzah (K for P) to the men observing Passover, it further advises them that the meal must be held after sundown on the first night of Passover, and it further states that they must provide a kosher for passover diet for the 8 days of

x free of charge to indigent prisoners

2. and retained in the inmates cells for future use.

passover to the men of the Jewish faith. It also instructs the various SCI's that the ritual service at the Seder will take approximately 1 to 2 hours to complete and that they may need to do an 'Out Count' for the men participating in the Seders. However, again, SCI MAHANOY Staff refuse to comply and are compelling the men to defile themselves with "State Agent" kosher certified meals for passover which are not sufficient to sustain one in good health with the added "Aren't you guy's supposed to be suffering now?!" .

18) It is not about suffering, its about the remembrance of the suffering and the redemption of our people by G-D out of bondage, which is to be celebrated and not demeaned nor ignored, as is evidenced by the fact that if a Jew does not comply with the laws of Passover (Pesach) he is to be cut off from his/her people, excised as a punishment.

19) For the sake or brevity, and to expedite this Emergency Request due to the time constraints, I conclude with the fact that the likelihood that plaintiff will prevail on the merits of his Civil Rights Action and Obtain a permanent injunction to prevent any more repeats of this issue, against the PA.D.O.C. collectively and SCI MAHANOY Administration and other staff, individually and through their agents, as well as obtain a favorable jury verdict, punitive and compensatory damages is great.

20) Defendants are in violation of their mandatory and contractual duty to comply with main/central office policy and directive, therefore they are in violation of their code of ethics and employment contract, thereby void of protection under the 11th Amendment immunity; these unsanctioned actions constitute willful misconduct, 42 Pa.C.S.A. §8550 et seq., and 42 Pa.C.S.A. § 8501 et seq has no force when applied to suits under the Civil Rights Act 42 U.S.C. §§1981-1986. The federal Constitution, Article VI, cl.2 prevents the state from immunizing entities or individuals alleged to have violated federal law, the actions are an overexaggerated response to a legitimate security concern at the best, and have already been exhaustively considered by the PA.D.O.C. main/central office.

21) It is noted that last year this plaintiff voluntarily withdrew a similar action, and the Honorable Court entered an order without prejudice to plaintiff refiling in the event that the need arose. It seems that the PA.D.O.C. staff last year and this year are acting in bad faith. Please see Order of the Honorable Judge James Munley, dated April 17, 2017 at 3:17-cv-0638³, Middle District of Pennsylvania and subsequent order of termination of case voluntarily due to mutual agreement.

22) 28 U.S.C. §§1657, 1652, PROVIDE "1652-the laws of the several states, except where the constitution otherwise require or provide, shall be regarded as rules of decisions in civil actions in the courts of the United States in cases where they apply..."

23) "1657-Priority...except that the court shall expedite the consideration of any action brought under chapter 153 of section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action where good cause is shown.

24) Plaintiff has no other plain or adequate remedy at law or otherwise to prevent the irreparable and grievous constitutional damages threatened of herein by defendants jointly and severally.

RELIEF REQUESTED:

issue a declaratory judgement that:-

³: incorporated hereby this reference in its entirety as part of the — 4 — factual history and allegation of ongoing Constitutional violation and bad faith.

A) the actions of the defendants, delBalso, Boyles, Mcknight, and Hinman violate plaintiffs rights under the First and Fourteenth Amendment of the Constitution for the United States of America and that they have and are engaging in willful misconduct 42 Pa.C.S. A. Section 8550 et seq.

B) Issue a preliminary injunction against the above defendants and all other SCI MAHANoy staff administrators, managment commanding them to comply with the Passover directive, memo, custom, and practice to accomodate as found throughout the Pa.D.O.C. and federal institutions.

C) All other relief deemed as well as can be right, just, and equitable under the particulat circumstances of this instant case, including a hearing before the court.

Date: 3/25/18

Respectfully Submitted,

Albert Meade

Albert MEADE

HR-4398, 301 Morea Rd.

Frackville, Pa. 17932

VERIFICATION

I hereby verify that the facts and information set forth herein are true and correct to the best of my personal knowledge, information and belief and are made subject to the penalties provided for unsworn falsification/declaration to authorities.

Dated: 3/25/18

Albert Meade

% HR4398
301 Morea Rd.
Frackville, Pa. 17932

Certificate of Service

I hereby verify/certify that I have served the parties indicated below which satisfies the requirements in the Federal Rules of Civil Procedure.

By first class U.S. mail placed in the internal prison mail system (box 1), to:

1) Superintendent DelBalso
SCI Mahanoy, PA.D.O.C.
301 Morea Rd.
Frackville, Pa. 17932

2) Chpl. Boyles, FEPO
SCI Mahanoy, PA.D.O.C.
301 Morea Rd.
Frackville, Pa. 17932

3) Ms. J. Mcknight, CC PM
SCI Mahanoy, PA.D.O.C.
301 Morea Rd.
Frackville, Pa. 17932

4) Ms. Jane Hinman, Grievance
Coordinator, SCI Mahanoy
PA.D.O.C., 301 Morea Rd.
Frackville, Pa. 17932

5) United States Dist. Ct.
Clerk, 3rd Circuit
U.S. Post Office, J. Nealon Bldg.
P.O. Box 1148
Scranton, Pa. 18501

Date: 3/25/18

This certification is made subject to the penalties provided for a false certificate of service, which constitutes a crime and is punishable by fine, imprisonment or both. (Am)

Respectfully Submitted,
Albert Meade

ALBERT MEADE
% HR-4398
301 Morea Rd.
Frackville, Pa. 17932

Albert Needy
 % HR4328
 301 Morea Rd.
 Frackville, Pa 17932

RECEIVED
 SCRANTON

MAR 30 2018

DEPUTY CLERK

United States District Court
 for the 3rd Circuit, Middle District
 U.S. Post Office, 9. Mealen Bldg.
 P.O. Box 1148
 Scranton, Pa. 18501

PRIVATE MAIL
 PAYMENT BY
 CREDIT CARD

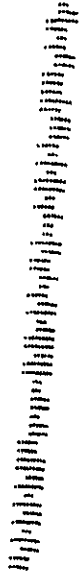
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RECEIVED \$000.47

RECEIVED

Hon. Clerk, kindly docket and
 file the attached reg. for
 emergency injunction and
 return a notice of the same
 to me. The Hon. Judge J.
 Monaghan provided over a similar
 issue last year a similar
 order. Albert Needy 3/25/18
 Overly, Thank you.

1850181148 5099



Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <u>Mr. McKnight CC PM</u>	2. Date: <u>2/22/18</u>
3. By: (Print Inmate Name and Number) <u>ALBERT MEADE HR4398</u> <u>Albert Meade</u> Inmate Signature	4. Counselor's Name <u>Mr. DiBranini</u> 5. Unit Manager's Name <u>Mr. Jacobson</u>
6. Work Assignment <u>Unit</u>	7. Housing Assignment <u>DA-17 THU</u>
8. Subject: State your request completely but briefly. Give details. <p> Mom - I was told to write to you by R. Michlin to be placed on the fasting list for the fast of the Ester and for the K for P Passover meals for the 8 days of Passover and the Matzah Cloth Supplied and personal purchase. I hope this year the K for P meals (daily) will be sufficient to sustain one in good health and not cause suffering as Passover is not a Holy Day in which we as Jews were meant to suffer but to celebrate G-D's Hand taking us out of Egypt and reaffirming us as His people. I placed in the Oloph Florida Magazine the free meals they offer for the 8 days to all those listed exclusively as Jewish. CC have included my copy from the March/April 2018 Passover order form. Please highlight section. We get these meals for Passover Seder and can sometimes be purchased on Access SecureBak as they are shelf stable. Please respond. Thank you, CC </p>	
9. Response: (This Section for Staff Response Only) <div style="text-align: center;">OK</div>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

Print

Sign

Date

Exhib. F B



Chaplains Passover Donations Order Form

ORDER DEADLINE: FEBRUARY 20, 2018

If you do not have email, please have someone who has email place this order for you. If that is impossible, you will need to call Aleph at 305-864-5553 to receive authorization to place the order another way. Orders that are faxed in or placed via U.S. mail without prior approval will not be processed.

Please fill out this form, scan & email it to passover@aleph-institute.org to be processed. Please call 305-864-5553 to confirm that your order has been received or if you have any difficulties emailing your order.

>>IF YOU ARE REQUESTING A DONATION, YOUR ORDER MUST BE ACCOMPANIED BY AN UPDATED LIST OF THE JEWISH INMATES AT YOUR INSTITUTION. IF THIS CANNOT BE PROVIDED, PLEASE CALL RABBI KATZ AT 305-864-5553.

MR./MS./CHAPLAIN: _____ INSTITUTION: _____
ADDRESS: _____ E-MAIL: _____
TEL: () _____ ext. _____ FAX: () _____ NO. OF JEWS: _____

ITEM	PRICE	QUANTITY	TOTAL PRICE
MATZAH			
1 lb. box (30 per case)	\$3.50 ea.	_____	_____
SHMURAH MATZAH (special handmade)			
6 Matzahs	\$13.00	_____	_____
GRAPE JUICE BOTTLES			
(64 oz. ea.) (Plastic)		_____	AVAILABLE FOR DONATION ONLY
GRAPE JUICE CASE			
(case 8 x 64 oz. Plastic)	\$55.00	_____	_____
PAPER juice boxes*)	\$55.00	_____	_____
(case 40 x 6.75 oz.)			
(*PAID Orders Only)			
HORSERADISH - WHITE ONLY			
(9 Gram Packets)			
25 Packets	\$3.50	_____	_____
200 Packets	\$25.00	_____	_____
HORSERADISH - (9/case)			
WHITE SAUCE SPREAD*			
(9.5 oz Squeeze bottle)	\$4.75 ea.	_____	_____
(*PAID Orders Only)			
GEFILTE FISH (12/case)			
(8 pieces 27 oz. can)	\$8.00 ea.	_____	_____
SOUP BOUILLON CUBES			
(package of 3) 12/case	\$1.75 ea.	_____	_____
MACAROONS (12/case)			
(10 oz.)	\$4.50 ea.	_____	_____
HAGGADAHS (Booklet read during the Passover Seder service)			
	\$3.00 ea.	_____	_____
"HOW TO" PASSOVER VIDEOS			
	\$25.00 ea.	_____	_____

ITEM	PRICE	QUANTITY	TOTAL PRICE
SEDER PLATES (You only need to add Romaine lettuce)			
(Now comes with 6 Shelf-Stable Hard-boiled egg and salt water!)			
Includes plastic plate with pre-designed slots filled with special Passover Seder ritual items	\$33.00	_____	_____

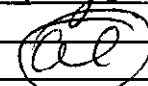

THE BELOW ITEMS ARE ONLY AVAILABLE FOR PAID ORDERS:			
Bittersweet Chocolate Bar (3.5 oz.) (100/Case)	\$3.00	_____	_____
Milk Chocolate Bar (3.5 oz.) - (100/Case)	\$3.00	_____	_____
SHELF STABLE CHICKEN & MATZAH BALL SOUP (12/Case) (non-gebrokts) (*PAID Orders Only)			
(12 oz. in Rexon Plastic)	\$6.00 ea.	_____	_____
SHELF STABLE CHICKEN W/ POTATOES* (12/Case) (*PAID Orders Only)			
(12 oz. in Rexon Plastic)	\$6.00 ea.	_____	_____
SHELF STABLE BEEF GOULASH AND VEG.* (12/Case) (*PAID Orders Only)			
(12 oz. in Rexon Plastic)	\$6.00 ea.	_____	_____
SHELF STABLE BEEF STUFFED CABBAGE.* (12/Case) (*PAID Orders Only)			
(12 oz. in Rexon Plastic)	\$5.50 ea.	_____	_____
SHELF STABLE GEFILTE FISH* (12/Case) (*PAID Orders Only)			
(12 oz. in Rexon Plastic)	\$5.75 ea.	_____	_____
6 SHELF STABLE HARD BOILED EGGS (in Saltwater) - (12/Case) (12 oz. in Rexon Plastic)	\$5.00 ea.	_____	_____
Heat & Serve MASHED POTATOES (Just add hot water!) (12/Case)			
4.6 oz. Pouch	\$4.00 ea.	_____	_____
Albacore Tuna Pouch			
3 oz. Pouch	\$2.75 ea.	_____	_____

Please advise if your order is for the entire Passover or only for the Seder meals: Check one: ☐ 1 Seder Meal Only ☐ 2 Seder Meals ☒ Entire Passover holiday

- If you have no funds available for these items, check here: ☒ Donated orders: We will only ship donated orders on condition that all Passover food items will be distributed exclusively to Jewish inmates for their use to meet their Passover religious requirements and the entire order will be distributed during Passover to them including any "extra" or excess remaining items. (These items should not be used before Passover for a mock Seder. Extra grape juice and matzo can be kept for Sabbath observances)
- IMPORTANT: Please notify the warehouse of incoming food items to expedite delivery of your order.
- Items should arrive no later than 4-6 days before Passover under normal circumstances.

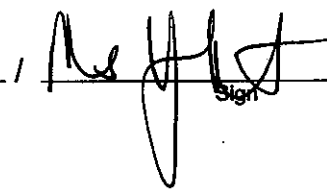
Exhibit - C -

DA

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <u>Chaplaincy</u>	2. Date: <u>2/17/18</u>
3. By: (Print Inmate Name and Number) <u>ALBERT MCADCHR4398</u> <u>Albert Meach</u> Inmate Signature	4. Counselor's Name <u>Ms. Di Giovanni</u> 5. Unit Manager's Name <u>Ms. Jacobsen</u>
6. Work Assignment <u>Unit Worker</u>	7. Housing Assignment <u>DA-17 T114</u>
8. Subject: State your request completely but briefly. Give details. <u>Please place me on the roster for Passover daily meals for Passover 2018. The pre-packaged meals. Also, put me on the Passover Seder list. Mitzvah list and I would like to purchase X-tra matzah for Passover. Thank you,</u> <div style="text-align: right;">  </div>	
9. Response: (This Section for Staff Response Only) <div style="text-align: center;">  </div>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

Print



Sign

Date

FIRST-CLASS MAIL

Hasler

03/28/2018

US POSTAGE \$000.47

ZIP 17932
01E12650689



INMATE MAIL
PA DEPT OF
CORRECTIONS

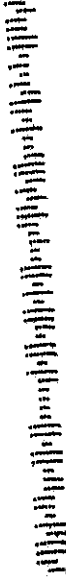
United States District Court
for the 3rd Circuit, Middle Dist.
U.S. Post Office, 9. Nealon Bldg.
P.O. Box 1148
Scranton, Pa. 18501

Albert Meade
%HR-4398
301 Maria Rd.
Trachinville, Pa. 17932

RECEIVED
SCRANTON

MAR 30 2018

PER *[Signature]* DEPUTY CLERK



1850181148 BC99

Albert Meade
%HR4398
301 Morea Rd.
Trackville, Pa. 17932

March 25, 2018

Clerk, Dist Ct.
for the 3rd Circuit of Penna.
U.S. Post Office and J. Nealon Bldg.
P.O. Box 1148
Scranton, Pa. 18501

**FILED
SCRANTON**

MAR 30 2018

Per 
DEPUTY CLERK

Re: Emergency Injunction; in re 3:17-cv-0638 (New Filing); Exhibit Package...

Honorable Clerk:

I had to send the exhibits separately as I am an indigent prisoner unable to pay the postage or the costs of this filing etc. I have very limited access to funds and the law library here at the new facility I was transferred to last August 2017. I am re-filing for an Emergency Injunction due to the Bad Faith on the part of the D.O.C., once again.

Kindly docket and forward a copy of this action to the Hon. Judge Munley as he had control of the case at 3:17-cv-0638 and granted a voluntary withdrawal without prejudice.

Kindly notify me of the same and if you can send me the proper forms for an In Forma Pauperis I'll return them. I served the defendants by placing the documents in the internal prison mailbox. Thank you for your valuable time and professional consideration in this matter.

Ps: kindly forward me a copy of the docket entry for this action, and for the action at 3:17-cv-0638.

c: file/clerk.

3/25/18

thk you,
Albert Meade
c/o HR4398